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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

33 WRIT PETITION NO. 8161 OF 2024

VITHALRAO ANANDRAO UDATE, DIED, THROUGH HIS
SON VISHWAJIT VITHALRAO UDATE

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND OTHERS

....

Mr Kiran G. Salunke, Advocate for Petitioners
Mr M. M. Nerlikar, A.G.P. for Respondents/State

**CORAM : RAVINDRA V. GHUGE
AND
Y. G. KHOBRAGADE, JJ.**

DATE : 5th August, 2024

PER COURT:

1. This is a peculiar case, wherein a young son of a deceased father, who is taking education, has approached this Court for a declaration that, his father belongs to the 'Koli Mahadev' Scheduled Tribes category. In a common judgment, delivered by Respondent No.2/Scrutiny Committee, Aurangabad on 25/11/2021, the claim of his father, who is at Sr. No.8 in the title clause of the same, has been rejected.

(2)

2. The learned A.G.P. submits that, this Court may peruse the record and pass appropriate orders. The Petitioner points out the judgment delivered by the Co-ordinate Bench of this Court, dated 08/08/2023 in Writ Petition Nos.2865/2022, 14724/2021 and 3225/2022, by which, the other aggrieved parties, who were Claimants in the same common judgment, were before this Court and their Writ Petitions were allowed. The common judgment is quashed and set aside. The 'Koli Mahadev' Scheduled Tribes category validity certificates are directed to be issued subject to the decision of the Committee that, if the cases of these Petitioners or similarly situated persons are reopened by the Scrutiny Committee, all would face the consequences.

3. In view of the above, **this Writ Petition is partly allowed.** The impugned order, which is already quashed and set aside, shall stand quashed and set aside to the extent of the deceased father of the Petitioner, late Vithalrao Anandrao Udate. Akin to the order passed by the Co-ordinate Bench, if the Claim of the Petitioner or any other persons, who are similarly situated, is/are reopened and they suffer an adverse order, the law laid

(3)

down in **Shweta Balaji Isankar Vs. State of Maharashtra and others, 2018 SCC OnLine Bom 10363**, would be squarely applicable to the case of the deceased father of the Petitioner, in which case, notice of hearing would be issued to the Petitioner, who is before us representing his father.

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)

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